

REMARKS/ARGUMENTS

Claims 1-13 are pending with claim 1 being the only independent claim. By this Amendment, claims 14-16 are canceled. The amendments are made for the purpose of obtaining a patent directed to claims 1-13, and are not made to overcome any prior art. No new subject matter is added by this Amendment.

The Examiner has indicated that claims 1-13 are allowable. The Examiner has rejected claims 14-16 under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 3,638,255 of Sterret. The Examiner contends that Sterret shows a seat cushion 13 and outer cover 21 which contains a cushioning material 20 wherein the outer cover 21 is air and gas permeable and is formed by rectangular layers 22, 23 which are stitched together along three edges 16, 17, 18 and secured along the fourth edge 19 by a zipper 25. The Examiner further contends that this allows removal and cleaning of the cushioning material 20, which is formed from three superimposed layers 28, 29, and 30 made from polyester fiber. The Examiner also argues that Sterret teaches that the outer layers 28, 30 can be impregnated with carbon such as activated charcoal in order to absorb odors and that these layers can be considered to form at least one odor absorbing material wherein the middle layer 29 can be considered as forming a sound dampening material.

While not necessarily agreeing with the Examiner's assertions of indefiniteness, or with the Examiner's argument that claims 14-16 do not comply with 37 CFR 1.111(c), Applicant has amended the claims in order to obtain a patent directed to claims 1-13. Specifically, the Applicant has cancelled claims 14-16.

It is also respectfully submitted that the above-identified application is in condition for allowance. Favorable consideration and prompt allowance of the claims are respectfully

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requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

January 30, 2006

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